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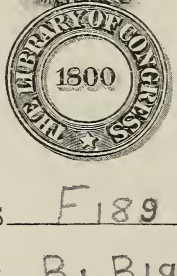

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Hist.

MEMORIAL

OF THE

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MAYOR AND CITY COUNCIL

OF BALTIMORE,

WITH ACCOMPANYING DOCUMENTS.

BALTIMORE:
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MEMORIAL.

To the Honorable the Senate and
House of Representatives of the United States:

The Mayor and City Council of Baltimore respectfully present this their memorial:

The recent suspension of the functions of the Board of Police of this city, makes it the duty of your memorialists to call your attention to certain consequences of that action which affect every citizen in this community. The memorial of the Board of Police already presented to your Honorable Bodies, has given you full information of the nature and extent of their powers. A brief reference to certain leading features of the law of Maryland under which they hold office, and with whose execution they are charged, will enable you to appreciate the embarrassments which now affect the due administration of the Government of Baltimore. The Board of Police is, under the laws of Maryland, the sole Police authority of the city. It alone is competent to provide for the preservation of peace and order within our limits; to appoint subordinate police officers, to appoint judges of elections and provide for the execution of the laws regulating elections, to enforce all ordinances of the Mayor and City Council of Baltimore for the preservation of health and the maintenance of peace and order. By other provisions of the laws for the Police government of this city, the organization of any permanent police force other than that organized by and acting under the orders of the Board of Police, is distinctly prohibited.

To the due execution of the laws of their State for their local government, by legally constituted officers, the free citizens of Baltimore have an unquestioned constitutional right. The manner in which that right has been respected will appear from the facts which we now recite:

The Major General commanding in the military department of which this city forms a part, issued a proclamation dated June 27th, announcing the arrest of the Marshal of Police.— With professions of respect for every municipal regulation and public statute, the proclamation further announces to the public that the official authority of the Marshal of Police and the Board of Police is superseded, and a "Provost Marshal," an officer unknown to the civil law of Maryland, is appointed.— No charge is preferred against the members of the Board of Police, nor is any reason assigned for superseding them and depriving the citizens of Baltimore of their only legal Police authority.

The Board of Police, yielding to the force which prevented their execution of the laws of this State, submitted to the practical suspension of their functions, and neither offered nor permitted any resistance to such action as the General in command saw fit to adopt.

The Provost Marshal appointed by the General in command to execute the police laws of Maryland for the government of the city of Baltimore, took possession of the offices belonging to the city, and removed certain officials not appointed by the Board but by the Mayor and City Council of Baltimore, appointing others in their place.

The memorial of the Board of Police has presented at length the considerations of official duty which made it impossible for them either themselves to aid, or to permit the officers under their command to aid in violations of the law under which they hold office. A comparison of the reasons assigned by them, with the provisions of the police law, to which they direct your attention, will prove the correctness of their conclusions. Under date of July 1st appeared a third proclamation of the General in command, announcing the arrest of the members of the Board of Police. Again disclaiming for those under whose au-

thority he acts, any intention to interfere with the municipal affairs of Baltimore, he assigns certain reasons for the summary arrest of these gentlemen, whom without complaint on oath or civil process he arrested, and now holds in custody. Examined in connection with the law under which they were appointed, the pretended offences charged against them, amount together to the simple performance of their official duty. Had they aided or acquiesced in the establishment of any police authority other than their own, they would have plainly violated the law under which they hold office.

By a fourth proclamation, dated July 10th, the Major-General in command informs the public that he has removed the "provost marshal," and has appointed a "marshal of police," "in all respects to administer every department of the police law in full freedom for the peace and prosperity of the city, and the honor and perpetuity of the United States." This officer now affects to administer the law for the police government of Baltimore, by means of a force organized under and acting by his direction.

Whatever professions of regard for our laws accompany these transactions, the facts are too plain to be concealed. The local laws of the State of Maryland, for the police government of the city of Baltimore, to which all officers of the federal government are bound to yield obedience within our limits, have been set aside. The only officers competent to administer those laws have been superseded, and then imprisoned. The General in command, professing to act under instructions from the federal government, has marched large bodies of armed men into the city, planted cannon in the principal streets and public squares, and, by the law and authority of superior force, has established the present acting police force, has enabled its officers to take possession of the offices and buildings belonging to the city of Baltimore, to eject officers appointed by the Mayor and City Council, and to assume the function of executing laws whose fundamental provisions they daily violate by the exercise of police authority. Your memorialists need not dwell on the embarrassments which must certainly result from thus disorganizing the civil government of a city, nor on the sense of inse-

curity, which affects citizens who reflect that the present police acts without legal warrant or authority. A community thus deprived of its lawful government is entitled to demand that those who assume so grave a responsibility shall furnish some sufficient reason for their action. It is impossible to believe that the federal authorities have wantonly disturbed the peace and good government of the city. No doubt statements have been made to which credit has been given, and on the faith of which the government has acted. The proclamation of the General in command, issued immediately after the arrest of the members of the Board of Police, vaguely charges that the Board "hold, subject to their orders, now and hereafter, the old police force, a large body of armed men for some purpose unknown to the government, and inconsistent with its peace and security." Your memorialists are left in doubt as to the precise nature of the purpose referred to, but the suspension of their authority, and the subsequent imprisonment of the Board of Police, seems to have been the result of a belief that their authority would be used to the injury of the government of the United States.

That this opinion has any foundation in facts, your memorialists deny, and appeal to the history of the official acts of the Police authority of this city.

For a detailed account of the unhappy occurrences of the 19th April, you are referred to the statement of the Mayor of the city, which is herewith submitted. No evidence of failure of duty on the part of the police authority on that day can be produced. The Mayor ex-efficio a member of the Board, shared the dangers to which the troops were exposed, and both he and the Marshal of Police risked their lives for their protection.— The great excitement which ensued, and which was intensified by the wanton killing of a citizen, at a distance from the scene of the riot, and who was shot from the window of the cars as the train passed out of the city, was represented to the President by the Mayor of the city. The President and his cabinet recognized the necessity of temporarily avoiding a passage through Baltimore, and gave repeated assurances that troops should not be brought through the city. Unauthorized persons declaring openly their intention to cut their way through Balti-

more with or without the orders of the government, the authorities of Baltimore, as well the Police Board as your memorialists, called their people to arms, procured such weapons as could be hastily gathered, and did all in their power to provide for the defence of their city from the threatened danger.—This they did and this they justify. In the then excited condition of the people, a portion of our population may have entertained designs of active hostility to the government. If such designs existed, they were frustrated by the precautions of the Board of Police. Fort McHenry, believed to be without either a sufficient garrison or armament, was nightly guarded by the military of the city, acting under the orders of the Board of Police. Other government property received especial protection. Arms supposed to belong to the United States and found in the hands of individuals were taken possession of and preserved by the Board of Police, who gave notice to the government agents of their action. The persons and property of all citizens received equal and efficient protection. Whatever charges malice may suggest, the preservation of peace in the city, the prevention of conflict between citizens divided in opinion, the protection of life, limb and property, during a period of great popular excitement, is a monument to the zeal and good faith of our police authorities. When there no longer seemed any necessity for a military array, the arms placed in the hands of the people were recalled, and the city resumed its ordinary condition of quiet. So Baltimore remained until May 14th, when it being ascertained that the people were disarmed, and that the movement could be made without serious danger, the General then in command in this department occupied a portion of the city with certain troops under his command. His arrival was announced by proclamation, and in the afternoon of May 14th he sent a detachment of troops into the city, who seized and carried off arms belonging to and in the custody of the authorities of the city of Baltimore. No resistance was offered or permitted by the authorities of the city. Two of our citizens, one of them a member of the Legislature of Maryland, were by the orders of the same military officer summarily arrested, and after an imprisonment of a few days, were released because their existed no sufficient cause for either arrest or detention.

Since the middle of May, many thousand United States soldiers have passed through this city. There has been no single instance of opposition to their progress, nor any failure on the part of the city authorities to take proper precautions for their protection as well as for preserving the peace of the city. The Courts of the United States are and have been unimpeded in the performance of their duties, save when in a memorable instance, the Marshal of the United States was not permitted to enter Fort McHenry, or to serve process issued by the highest judicial officer of the United States. The order of the city has been preserved. No resistance of any kind has been made, even to illegal and unconstitutional acts of military officers. No arrest that has been made by mere military authority, but that could have been made by civil officers. Thus without the existence of a single fact to justify an appeal to a supposed authority growing out of military necessity, citizens have been seized and imprisoned, their homes invaded and searched without warrant, or complaint, on oath, as required by law. The protection afforded by constitutional guarantees of the liberty of the citizen and constitutional restraints imposed on the power of the executive, has been denied. Obedience to the Courts is refused when they interfere for the protection of the citizen. Arms belonging to the city of Baltimore and rightfully in the custody of its authorities have been taken. The buildings of the city have been given into the custody of officers not known to its laws. Its Court House has been occupied by troops. Its civil authority has been disregarded, and a revolutionary government established by mere force of arms and against law.

Against these manifold wrongs your memorialists for themselves and the free community which they represent do most solemnly protest. The State of Maryland has been and is subject to the Constitution and laws of the United States, and her citizens are of right entitled to the protection of that Constitution and of those laws. The civil authorities of this city have heretofore and do now render fitting obedience to the requirements of both. If disaffection is believed to exist, from which danger is apprehended, the guns of Fort McHenry turned on the homes of the women and children of an unarmed City—the

Federal troops encamped around its limits would seem an adequate protection to the Government. Whether that disaffection is weakened by depriving a whole community of the protection of its laws,—whether the risk of disorder is diminished by establishing a police government which fails to command the respect accorded to undoubted lawful authority, you, in your wisdom, will determine.

But your memorialists respectfully, yet most earnestly demand, as matter of right, that their city may be governed according to the Constitution and laws of the United States, and, of the State of Maryland. They demand, as matter of right, that citizens may be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and that they be not deprived of life, liberty, or property, without due process of law. They demand, as matter of right, that the military render obedience to the civil authority, that our municipal laws be respected, that officers be released from imprisonment, and restored to the lawful exercise of their functions, that the police government established by law, be no longer impeded by armed force to the injury of peace and order.

These, their rightful demands, your memorialists submit for the consideration of your honorable bodies.

MAYOR'S MESSAGE.

To the Honorable the Members of the

First and Second Branches of the City Council:

GENTLEMEN:

A great object of the Reform movement was to separate municipal affairs entirely from national politics, and in accordance with this principle, I have heretofore, in all my communications to the City Council, carefully refrained from any allusion to national affairs. I shall not now depart from this rule further than is rendered absolutely necessary by the unprecedented condition of things at present existing in this city.

On the 19th of April last an attack was made by a mob in the streets of Baltimore on several companies of a regiment of Massachusetts troops, who were on their way to the city of Washington in pursuance of a call for 75,000 men made by the President of the United States.

On the day previous, troops had been safely passed through the city under the escort of the police. In the afternoon of the same day (18th,) the regiments from Massachusetts were expected, and provision was made by the police for their reception, but they did not arrive, and the Board of Police could not ascertain when they would come, although two of the members of the Board went in person to the station of the Philadelphia Railroad Company to obtain the necessary information. On the morning of the 19th, about ten o'clock, I was at my law office engaged in the performance of professional business, when three members of the City Council came to me with a message from Marshal Kane to the effect that he had

just learned that the troops were about to arrive, and that he apprehended some disturbance. I immediately hastened to the office of the Board of Police and gave notice. George M. Gill, Esq., Counsellor of the city, and myself, got into a carriage and drove rapidly to the Camden station, and the Police Commissioners followed without delay. On reaching Camden station we found Marshal Kane in attendance and the police coming in squads to the spot. The plan of the agents of the Railroad Companies was that the troops which were to arrive in the cars at the President street station, should in the same way be conveyed through the city, and be transferred to the cars for Washington at the Camden street station. Accordingly the police were requested by the agent of the road to be in attendance at the latter station. After considerable delay, the troops began to arrive and were transferred under the direction of the police to the Washington cars as rapidly as possible. There was a good deal of excitement, and a large and angry crowd assembled, but the transfer was safely effected. No one could tell whether more troops were expected or not. At this time an alarm was given that a mob was about to tear up the rails in advance of the train on the Washington road, and Marshal Kane ordered some of his men to go out the road as far as the Relay House, if necessary, to protect the track. Soon afterwards, and when I was about to leave the station, supposing all danger to be over, news was brought to Commissioner Davis and myself, who were standing together, that other troops were left at the President street station, and that the mob was tearing up the track on Pratt street. Mr. Davis immediately ran to summon a body of police to be sent to Pratt street, while I hastened alone down Pratt street, towards President street station. On arriving at the head of Smith's wharf I found that anchors had been piled on the track, so as to obstruct it, and Sergeant McComas, and a few policemen who were with him, were not allowed by the mob to remove the obstruction. I at once ordered the anchors to be removed, and my authority was not resisted. On approaching Pratt street bridge I saw several companies of Massachusetts troops, who had left the cars, moving in column rapidly towards me.

An attack on them had begun, and the noise and excitement were great. I ran at once to the head of the column—some persons in the crowd shouting as I approached, "Here comes the Mayor." I shook hands with the officer in command, saying as I did so, "I am the Mayor of Baltimore." I then placed myself by his side and marched with him, as far as the head of Light street wharf, doing what I could by my presence and personal efforts to allay the tumult. The mob grew bolder, and the attack became more violent. Various persons were killed and wounded on both sides. The troops had sometime previously begun to fire in self defence; and the firing as the attack increased in violence, became more general.

At last when I found that my presence was of no use, either in preventing the contest or saving life, I left the head of the column, but immediately after I did so Marshal Kane, with about fifty policemen from the direction of the Camden station, rushed to the rear of the troops, forming a line across the street, and with drawn revolvers checking and keeping off the mob. The movement, which I saw myself, was perfectly successful, and gallantly performed. I submit herewith Marshal Kane's account of the affair, published on the 4th of May last, which substantially agrees with my own.

It is doing bare justice to say that the Board of Police, the Marshal of Police, and the men under his command, exerted themselves bravely, efficiently, skillfully and in good faith to preserve the peace and protect life. If proper notice had been given of the arrival of the troops, and of the number expected, the outbreak might have been prevented entirely, and but for the timely arrival of Marshal Kane with his force, as I have described, the bloodshed would have been great. The wounded among the troops received the best care and medical attention, at the expense of the city, and the bodies of the killed were carefully and respectfully returned to their friends. The facts which I witnessed myself, and all that I have since heard, satisfy me that the attack was the result of a sudden impulse, and not of a premeditated scheme.

But the effect on our citizens was, for a time, uncontrollable. In the intense excitement which ensued, which lasted for many

days, and which was shared by men of all parties, and by our volunteer soldiers, as well as citizens, it would have been impossible to convey more troops from the North through the city without a severe fight and bloodshed. Such an occurrence would have been fatal to the city, and accordingly, to prevent it, the bridges on the Northern Central Railroad, and on the Philadelphia, Wilmington and Baltimore Railroad, were, with the consent of the Governor, and by my order, with the co-operation of the Board of Police, (except Mr. Chas. D. Hinks, who was absent from the city,) partially disabled and burned, so as to prevent the immediate approach of troops to the city, but with no purpose of hostility to the Federal Government. This act, with the motive which prompted it, has been reported by the Board of Police to the Legislature of the State, and approved by that body, and was also immediately communicated by me, in person, to the President of the United States and his Cabinet. I inclose a copy of the report made by the Board of Police to the Legislature on the third of May last. On the evening of 19th of April, a portion of the military of the city were called out. On the 20th of April, your honorable body by a unanimous vote, placed at my disposal the sum of $500,000 for the defence of the city, and the banks, with great patriotism and unanimity, voluntarily offered to advance the money through a committee of their Presidents, consisting of Messrs. Columbus O'Donnell, Johns Hopkins, and John Clark, who notified me, in person, of the fact on the morning of the 20th of April at the Mayor's office. A number of citizens, in all the wards, volunteered for the purpose of defence, and were enrolled under the direction of the Board of Police; and for their use arms were partially provided. The Commander-in-Chief of the forces of the United States, with the approbation of the President, in view of the condition of affairs then existing in the city, on the earnest application of the Governor of the State, of prominent citizens and myself, ordered that thereafter the troops should not be brought through Baltimore, and they were accordingly transported to Washington by way of Annapolis.

But great danger existed to Baltimore from large bodies of unauthorized men at the North, who threatened to cut their way through the city, and visit upon it terrible vengeance for the acts of the 19th of April.

As soon as this danger had passed away, and the excitement among our own citizens had sufficiently subsided, the military were dismissed, and the citizens who enrolled were disbanded by order of the Board of Police. The peace of the city had been preserved, and its safety and the persons and property of men of all parties, protected under the circumstances of great peril, and the most intense excitement, and it was hoped that affairs would be allowed to return as nearly as possible to their previous condition. To this end my efforts, and those of the Board were devoted. Large bodies of troops from the North have ever since passed through the city without molestation, and every proper precaution to accomplish that object was taken by the Board of Police and carried out by the force.

But civil war had begun on the immediate border of our State. A great division of opinion in regard to it existed among the people, and the events which had occurred in the city, and their consequences, seem to have made an indelible impression on the minds of the authorities at Washington, that the police force of the City of Baltimore was prepared to engage in hostility against the General Government whenever an opportunity should occur.

The result has been very unfortunate. On the ground of military necessity, of the existence of which, and of the measures required of it, the Federal officers claim to be the sole judges, our city has been occupied by large bodies of troops in its central points; picket guards have been stationed along many of our streets; the arms provided by the city for its defense and those left by private individuals with the authorities for safe-keeping, the station-houses and other property of the city have been seized, operators in the Police and Fire Alarm Telegraph Office have been displaced and others substituted in their stead; the Marshal of Police and Board of Police, with the exception of myself, have been arrested and are now imprisoned in Fort McHenry, one only, who is in bad health, has been released

on his parole; the writ of *habeas corpus* has been suspended; the police force, established under a law of the State, has been set aside by superseding the only power which could lawfully control it; a new police, without authority of law, has been established under the control of a Marshal appointed by the commanding General, and all power to hold elections in the city has been for the present set aside by suspending the functions of the Board under which alone elections can lawfully be held.

The grounds taken by Major General Banks as a justification for these proceedings, and the position assumed by the Board of Police, respectively, will be found in the proclamations of the General and the protest of the Board, which I enclose.

The hidden deposits of arms and ammunition referred to in the proclamation of June 27th, are, I suppose, those found in the City Hall, in reference to which a few words of explanation may be made. The arms consisted in part of muskets, which belonged to the old police established nnder the administration of Mr. Swann; of revolvers procured for the police, and of some rifles, carbines, &c., lately procured in part for the use of the police and in part for the defense of the city. The Board of Police considered it proper that there should be a sufficient number of efficient weapons to arm the entire police force in case of an emergency. There were not enough at the City Hall for that purpose. An allegation has been made that some of the arms and ammunition belonged to the Massachusetts troops; but I am informed that this is not the case, except perhaps as to two muskets which were taken by the police from the hands of the mob. The ammunition at the Hall which was purchased for the defence of the city, was more than was entirely safe. Of this I was well aware, and should have ordered it to be removed if the city had had any proper of place of deposit; but I apprehended that any attempt at removal at this time would only lead to a seizure on the part of the officers of the General Government, and to unfounded rumors and suspicions; for all the rest of the arms and ammunition belonging to the city, and all the arms left with the city authorities for safe keeping, which were placed in depositories procured expressly for the purpose, and in no way concealed, had been previously seized by

the authorities of the United States, under circumstances very mortifying to the pride of the people. That some of the arms and ammunition were concealed about the building, is sufficiently explained by the fact that the officers in charge desired to secure them from seizure, but such concealment was made without my knowledge.

The proclamation charges the existence of unlawful combinations of men organized for the resistance to the laws, for accumulating hidden deposits of arms, and encouraging contraband trade.

Although I am only ex-officio member of the Board, and by reason of other engagements not able to be present at all their meetings, yet, from the free and full interchange of views among us, and the custom of the members to consult me on all important questions, and my knowledge of all their proceedings, I feel that I have a right to say, of my own personal knowledge, that the Board had no notice or information of any such combinations, if any such existed, which I have no reason to suspect.

Indeed, my experience of the fidelity of the Board, to its legal obligations during my whole official connection with it, and the common understanding between myself and my colleagues as to our course of duty since the present troubles began, justify me in saying that if any organization in this city for resistance to the laws could have been discovered by proper vigilance, they would have been found out and suppressed, to the extent of the powers conferred on the Board by law.

After the Board of Police had been superseded and its members arrested by the order of Gen. Banks, I proposed, in order to relieve the serious complication which had arisen, to proceed as the only member left free to act, to exercise the power of the Board as far as an individual member could do so. Marshal Kane, while he objected to the propriety of this course, was prepared to place his resignation in my hands whenever I should request it, and the majority of the Board interposed no objection to my pursuing such course as I might deem it right and proper to adopt in view of the existing circumstances, and upon my own responsibility, until the Board should be enabled to resume the exercise of its functions.

If this arrangement could have been effected, it would have continued in the exercise of their duties the police force which is lawfully enrolled, and which has won the confidence and applause of all good citizens by its fidelity and impartiality at all times and under all circumstances. But the arrangement was not satisfactory to the Federal authorities.

As the men of the police force through no fault of theirs are now prevented from discharging their duty, their pay constitutes a legal claim on the city, from which, in my opinion, it cannot be relieved.

The new force which has been enrolled is in direct violation of the law of the State, and no money can be appropriated by the city for its support without incurring the heavy penalties provided by the Act of Assembly.

Officers in the Fire Alarm and Police Telegraph Department, who are appointed by the Mayor and City Council, and not by the Board of Police, have been discharged, and others have been substituted in their place.

I mention these facts with profound sorrow and with no purpose whatever of increasing the difficulties unfortunately existing in this city, but because it is your right to be acquainted with the true condition of affairs, and because I cannot help entertaining the hope that redress will yet be afforded by the authorities of the United States upon a proper representation made by you. I am entirely satisfied that the suspicion entertained of any meditated hostility on the part of the city authorities, against the General Government is wholly unfounded, and, with the best means of knowledge, express the confident belief and conviction that there is no organization of any kind among the people for such a purpose. I have no doubt that the officers of the United States have acted on information which they deemed reliable, obtained from our own citizens, some of whom may be deluded by their fears, while others are actuated by baser motives; but suspicions thus derived, can, in my judgment, form no sufficient justification for what I deem to be grave and alarming violations of the rights of individual citizens, of the city of Baltimore and of the State of Maryland.

Very respectfully,

GEO. WM. BROWN, *Mayor.*

GEO. M. GILL'S STATEMENT TO THE MAYOR.

Baltimore, July 12, 1861.

To the Hon. Geo. Wm. Brown,
Mayor of the City of Baltimore:

In your communication to the City Council of yesterday, which I did not see until after it was communicated to the Council, you refer to the fact that I accompanied you on Friday, April 19th, to the Camden station. There were some additional circumstances which I deem it proper to state. You desired me to accompany you, hoping that I might aid in preventing any violence on that day, or interruption to the troops then about to pass through, in case any should be attempted. Your impression was that no such attempt would be made, but nevertheless you thought every precaution should be taken, in case of any such attempt to resist it. For the sole purpose of doing this I accompanied you.

After we reached the Camden Station there were manifestations of excitement among the crowd there assembled, and the Police Commissioners (excepting Mr. Hinks then absent from the City) gave directions to Marshal Kane, in my presence, to use his whole force in keeping order and protecting the troops from being interrupted. The reply of Marshal Kane then made was, that if he and his whole force lost their lives the troops should be protected.

After the first of the troops reached Camden Station a rush of people was made at the cars in which they then were, but the Police interfered and drove them off. A cry was then raised to tear up the track outside of the Camden Station, and a rush was made to accomplish this purpose, but the Police again interfered, and prevented this from being done.

I supposed for some time that all the troops would pass in safety, and such was my anxious wish, and to the extent of my ability I united in the effort to produce this result.

While I was at Camden Station the events on Pratt street took place, none of which did I see, and therefore cannot speak of them further than that I saw at a distance, and heard the firing of the troops as they passed up Pratt street.

My impression on that day was and still is, that the events arose from a sudden impulse which seized upon some of our people, and that after the firing commenced and blood was shed many persons took part, under an impression that the troops were killing our people, and without knowing the circumstances of provocation which induced the troops to fire.

Matters reached their height after Mr. Davis was killed, and the intense excitement resulting from this and other causes produced a state of feeling which for a time was beyond control on the part of the City authorities.

On Sunday, the 21st of April, whilst you were in Washington, where you had been summoned by the President, a regiment arrived from Pennsylvania, but were fortunately stopped at Cockeysville, about 14 miles off, by the disabled bridge at that point. Any rational man who witnessed the condition of things in Baltimore on that day, can judge of the sad consequences which would have followed if the regiment had entered the City.

Yours very respectfully,

GEO. M. GILL.

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